

ATTORNEY'S DOCKET NUMBER

460-40

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

10/567007

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

INTERNATIONAL APPLICATION NO.
PCT/DE2004/001385

INTERNATIONAL FILING DATE
01.July.2004 (01.07.2004)

PRIORITY DATE CLAIMED
01.August.2003 (01.08.2003)

TITLE OF INVENTION **FOAM THROTTLE**

APPLICANT(S) FOR DO/EO/US **KARL BATSCHIED, JUERGEN BLAESS and KURT OBERHOFER**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)).
The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☒ An English language translation of the International application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is attached hereto
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4)
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35U.S.C. 371(c)(3))
 - a. ☐ are attached hereto(required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English translation of the amendments to the claims under PCT Article 19 (35U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35U.S.C. 371(c)(4)). **(UNSIGNED)**
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13.2 and 35 U.S.C. 1.821-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: International Search Report

I hereby certify that this correspondence is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. on the date indicated below and is addressed to:
COMMISSIONER FOR PATENTS, P. O. Box 1450, Alexandria, Virginia 22313-1450 on January 31, 2006.
EXPRESS MAIL NO. EV 235848027 US.

By: 
Thomas M. Galgano

Date: January 31, 2006

U.S. Application No. 10/567007		INTERNATIONAL APPLICATION NO. PCT/DE2004/001385		ATTORNEY'S DOCKET NUMBER 460-40									
21. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492(a)):\$ 300.00													
22. <input checked="" type="checkbox"/> Examination Fee (37 C.F.R. 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$ 0 All other situations.....\$ 200.00													
23. Search fee (37 C.F.R. 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$ 0 Search fee (37 C.F.R. 1.445(a)(2) has been paid on the international application to the USPTO as an International Searching Authority.....\$ 100.00 <input checked="" type="checkbox"/> International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....\$ 400.00 All other situations.....\$ 500.00													
TOTAL OF 21, 22 AND 23 = \$ 900.00													
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 C.F.R. 1.821(c) or (e) or computer program listing in an electronic medium) (37 C.F.R. 1.492(j)). The fee is \$ 250 for each additional 50 sheets of paper or fraction thereof.													
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Total Sheets</th> <th style="width: 15%;">Extra Sheets</th> <th style="width: 40%;">No. of each additional 50 or fraction thereof (round up to a whole number)</th> <th style="width: 30%;">Rate</th> </tr> </thead> <tbody> <tr> <td>- 100</td> <td>/50</td> <td></td> <td>x \$ 250.00</td> </tr> </tbody> </table>				Total Sheets	Extra Sheets	No. of each additional 50 or fraction thereof (round up to a whole number)	Rate	- 100	/50		x \$ 250.00	\$	
Total Sheets	Extra Sheets	No. of each additional 50 or fraction thereof (round up to a whole number)	Rate										
- 100	/50		x \$ 250.00										
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).													
CLAIMS		NUMBER FILED	NUMBER EXTRA	RATE									
Total claims		11 - 20 =	0	x \$ 25.00	\$								
Independent claims		1 - 3 =	0	x \$ 100.00	\$								
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$360.00	\$								
TOTAL OF ABOVE CALCULATIONS =					\$ 900.00								
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2					\$ 450.00								
SUBTOTAL =					\$ 450.00								
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).					\$								
TOTAL NATIONAL FEE =					\$ 450.00								
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +					\$								
TOTAL FEES ENCLOSED =					\$ 450.00								
					Amount to be refunded:	\$							
					Charged:	\$							

a. ☒ A PTO-2038 in the amount of \$ 450.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. 2 of 3

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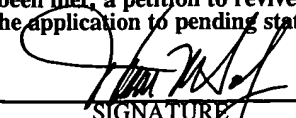
c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. **07-0130**. A duplicate copy of this sheet is enclosed.

d. ☒ Fees are to be charged to a credit card. **WARNING: Information on this form may become public. Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Thomas M. Galgano, Esq.
GALGANO & BURKE
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Hauppauge, New York 11788
(631) 582-6161



SIGNATURE

Thomas M. Galgano

REGISTRATION NO. 27,638
DATE: January 31, 2006

TMG/dms

PTO 1390 (REV. 10/83)

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U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

IAP9 Rec'd PCT/PTO 31 JAN 2006